

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

RADOSLAV DIMITRIC §
§
VS. § CIVIL ACTION NO. G-07-247
§
TEXAS WORKFORCE COMMISSION, §
TEXAS A&M UNIVERSITY-GALVESTON, §
ET AL. §

ORDER

On May 16, 2008, the Court issued an Order for additional briefing to address the limited issues of collateral estoppel and res judicata (Docket Entry (Doc.) No. 65). The parties were ultimately permitted until June 17, 2008, to complete the additional briefing. To the extent either party believed it necessary to file a response to another party's briefing on the issues outlined, the Court imposed a deadline of July 14, 2008, and expressly notified the parties that no additional briefing on the issues would be permitted without a showing of good cause (See Doc. Nos. 65 & 73).

On June 16, 2008, in response to the Court's Order for Briefing, Dimitric filed an Objection to the Order (Doc. No. 77). On June 17, 2008, Defendants filed "Defendants' Court Ordered Briefing and First Supplemental Motion for Summary Judgment" (Doc. No. 80).¹ In

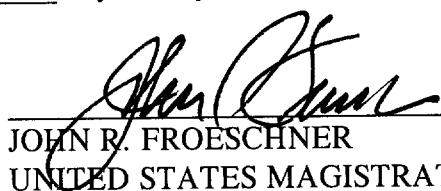
¹ The Court notes that on June 18, 2008, Defendants filed an "Advisory to the Court" notifying it that counsel for Defendants "discovered several inadvertent formatting errors in said brief and, for that reason, has made the necessary formatting corrections and added a table of contents for the convenience of the Court as well as for Plaintiff" (Doc. No. 81) and re-filed their brief on June 18, 2008. (Doc. No. 82). Counsel for Defendants also state that "no substantive revisions have been made and the only addition to the brief is Defendants' Prayer, which was inadvertently omitted." (Doc. 81).

reviewing Defendants' submission, the Court observes that the Defendants appear to have disregarded, in part, the Court's instruction, which limited the scope of the briefing to the issues of collateral estoppel and res judicata, and decided to also address additional matters not requested in the Court's Order for briefing. For future reference, the Court **ADMONISHES** Defendants to limit their briefing to the issues requested—in this instance, whether the doctrine of res judicata or collateral estoppel bar the Plaintiff from re-litigating any claims or issues previously decided by Judge Gilmore in *Dimitric v. Texas A&M University, et.al.*, Civil Action No. G:06-CV-107 (S.D. Tex. 2008)—and not additional matters. To the extent that counsel for Defendants has raised additional matters in his submission, which were not requested in the Order for Briefing, they will not be considered or addressed by the Court. Defendants, however, are not precluded from re-urging any additional grounds raised in their submission at a later date if appropriate.

The Court herein once again **ADVISES** the parties that their responses, if any, to these narrow issues (*i.e.*, only res judicata or collateral estoppel) **SHALL** be due on or before July 14, 2008, and, thereafter no additional briefing on these narrow issues will be considered by the Court without a showing of good cause.

IT IS SO ORDERED.

DONE at Galveston, Texas, this 2d day of July, 2008.


JOHN R. FROESCHNER
UNITED STATES MAGISTRATE JUDGE